

Appl. No. 10/671,372
Reply to Office Action of May 20, 2005

REMARKS:

Applicants appreciate the thorough examination of the application that is reflected in the Office Action dated May 20, 2005. Applicants amend claims 5 and 8 to correct informalities. This amendment does not alter the scope of claims 5, but is instead made to explicitly claim that which was originally implicitly claimed. To expedite prosecution of this application, Applicants cancel claims 18-21 without prejudice to filing another application to pursue the subject matter recited in those claims. Claims 1-17 (17 total claims; 7 independent claims) remain pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

Claim Objections

The Office objects to claim 6 for informalities. While Applicants do not agree with this ground of objection, to expedite the prosecution of this case Applicants respectfully submit that the above outlined claim amendments render this ground of objection moot. Accordingly, Applicants respectfully request that this ground of objection be withdrawn.

Claim Rejections Under 35 U.S.C. 112, 2nd paragraph

The Office rejects claims 1, 9 and 20 under 35 U.S.C. 112, 2nd paragraph as allegedly being indefinite.

The Office rejects claim 1 since the term "for" appearing in line 1 is allegedly unclear. Applicants respectfully disagree and submit that there is nothing indefinite about the term "for" which appears in the preamble "A transport for a rocket engine." Accordingly, for at least this reason, Applicants submit that the rejection of claim 1 under 35 U.S.C. 112, 2nd paragraph should be withdrawn.

The Office rejects claim 9 since there is allegedly insufficient antecedent basis for the term "the transport" which appears in line 2. Claim 9 depends from claim 8. Applicants respectfully submit that claim 8, which recites "rocket engine on a transport," provides antecedent basis for this term in claim 9. Accordingly, for at least this reason, Applicants submit that the rejection of claim 9 under 35 U.S.C. 112, 2nd paragraph should be withdrawn.

The Office rejects claim 20 since the recitation "moving a tail support member" is allegedly unclear. Applicants respectfully disagree and submit that there is nothing indefinite about this recitation. Applicants note that the specification and drawings provide numerous

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examples of how a tail support member could be moved. For example, refer to page 4, paragraph [0023] and page 7, paragraph [0031]. Nevertheless, to expedite prosecution of this application, Applicants cancel claim 20 without prejudice to filing another application to pursue the subject matter recited in claim 20. Accordingly, for at least this reason, Applicants submit that the rejection of claim 20 under 35 U.S.C. 112, 2nd paragraph is moot.

Art-Based Rejections

The Official Action rejects claims 1-21 under 35 U.S.C. 102(b) as being anticipated by Morley et al. (USPN 3,038,614).

Claims 1-6, 15 and 16

Applicants respectfully submit that the cited reference fails to disclose, for example, that “the chock is configured to accept the rocket engine and to pivot about a rotation axis that is substantially perpendicular to the long axis of the trailer,” as required by claim 1. The Office Action fails to describe where the cited reference discloses these limitations of claim 1. For instance, in rejecting claims 1 and 15 the Office states:

“With regard to claims 1 & 15, Morley et al. disclose a transport comprising a trailer 10 tail support member 13, 14 having a notch for a pin 68, and a chock assembly 12 which has a chock 16, 17 pivotably coupled to a trolley 11, 23, 24.” See Office Action dated May 20th, 2005 at page 3; Emphasis added.

Applicants specification, for example, at page 4, para [0021] describes that “chocks 106A-B are any support structures capable of physically supporting engine 102 above trailer 108 during transit.” Applicants submit that the ring 16 and the three segmental sections 17 disclosed by Morley et al. are not a “chock” since these structures do not support the engine during transit. Rather, the elevatable frame 11 shown in FIG. 1 of Morley et al. more closely corresponds to the claimed chock. As shown in FIG. 1 of the Morley et al. reference, the Morley et al. reference fails to teach that the elevatable frame 11 is configured “to pivot about a rotation axis that is substantially perpendicular to the long axis of the trailer,” as required by claim 1. Rather, in the Morley et al. reference, as noted at column 3, lines 17-30, the elevatable frame 11 is pivotally connected to the chassis by lifting members 21 and 22. Although the forward ends of members 21 and 22 are pivotally connected to the elevatable frame 11, nothing in Morley et al. discloses or suggests that the elevatable frame 11 is configured “to pivot about a rotation axis that is substantially perpendicular to the long axis of the trailer,” as required by

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claim 1. Thus, the Morley et al. reference fails to teach the concept of a chock that "is configured to accept the rocket engine and to pivot about a rotation axis that is substantially perpendicular to the long axis of the trailer," as required by claim 1. As such, the Morley et al. reference does not teach or suggest at least the foregoing limitations of claim 1.

The Office has failed to explain where the Morley et al. reference teaches the missing claim limitations noted above. Rather, the Office impermissibly concludes that such limitations would be present. Applicants respectfully traverse this rejection, and to preserve Applicants' argument on appeal, Applicants request that the Examiner provide an affidavit that supports the rejection of claim 1 based on the official notice of the Examiner. Alternatively, in the event the Examiner seeks to maintain this ground of rejection, Applicants request that the Examiner provide documentary evidence that these features would indeed be well-known. *See* MPEP 2144.03, 37 C.F.R. § 1.104 (d)(2), and *In re Lee*, 277 F.3d 1338, 1344-45, 61 U.S.P.Q.2d 1430, 1435 (Fed. Cir. 2002) (finding that reliance on "common knowledge and common sense" did not fulfill the PTO's obligation to cite references to support its conclusions as PTO must document its reasoning on the record to allow accountability and effective appellate review).

For at least the foregoing reasons, Applicants respectfully submit that the cited references fail to teach or suggest every limitation of claim 1. Because the cited references fail to teach at least the above limitations of claim 1, Applicants respectfully submit that claim 1 is patentable over the cited references. In addition, Applicants respectfully submit that dependent claims 2-6 are separately patentable at least by virtue of their dependency from independent claim 1, and also because claims 2-6 each recite additional limitations which the cited reference fails to teach or suggest. Accordingly, for at least this reason, Applicants submit that claim 1 and its depending claims 2-6 are patentable over the cited reference.

Independent claim 7 requires that "the chock is configured to accept the rocket engine and to pivot on the trunnion about a rotation axis that is substantially perpendicular to the longitudinal axis of the trailer." For at least the reasons discussed above with respect to claim 1, Applicants submit that the cited references fail to teach the above limitations of claim 7. Accordingly, for at least this reason, Applicants submit that claim 7 is patentable over the cited Morely et al. reference

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Applicants further respectfully submit that the cited reference also fails to disclose, for example, that “the chock is configured to accept the object and to pivot about a pivot point on the trolley about a rotation axis that is substantially perpendicular to the longitudinal axis of the trailer,” as required by independent claim 15. For at least the reasons discussed above with respect to claim 1, Applicants further respectfully submit that the cited references fail to teach or suggest every limitation of independent claim 15. Because the cited references fail to teach at least the above limitations of independent claim 15, Applicants respectfully submit that independent claim 15 is patentable over the cited references.

Applicants further respectfully submit that the cited reference also fails to disclose, for example, that “the chock is configured to accept the object and to pivot about a rotation axis that is substantially perpendicular to the longitudinal axis of the trailer,” as required by claim 16. Moreover, Applicants further respectfully submit that the cited reference also fails to disclose, for example, “bearing assemblies rotably coupling the chock to the trolley and a pair of cradle assemblies, each cradle assembly comprising a support bracket coupled to the chock and having a trunnion configured to interact with the bearing assembly,” as required by independent claim 16. For at least the reasons discussed above with respect to claim 1, Applicants further respectfully submit that the cited references fail to teach or suggest every limitation of independent claim 16. Because the cited references fail to teach at least the above limitations of independent claim 16, Applicants respectfully submit that independent claim 16 is patentable over the cited references.

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Claims 8-14 and 17

Claim 8 relates to a chock assembly for transporting a rocket engine on a transport having a longitudinal axis. The chock assembly comprises:

- a trolley portion configured to interact with the transport for the rocket engine;
- a chock having a curved portion configured to receive the rocket engine; and
- a hinge portion configured to pivotably couple the chock to the trolley such that the chock is free to rotate about an axis that is substantially perpendicular to the longitudinal axis of the rocket engine. (Emphasis added.)

Applicants respectfully submit that the cited reference fails to disclose, for example, "a hinge portion configured to pivotably couple the chock to the trolley such that the chock is free to rotate about an axis that is substantially perpendicular to the longitudinal axis of the rocket engine," as required by claim 8.

The Office Action fails to describe where the cited reference discloses these limitations of claim 8. For instance, in rejecting claim 8 the Office merely states:

"With regard to claim 8, Morley et al. discloses a chock assembly 12 comprising a trolley 11, 23, 24 chock 16, 17 and a hinge 57, 58." See Office Action dated May 20th, 2005 at page 4; Emphasis added.

Applicants submit that the ring 16 and the three segmental sections 17 disclosed by Morley et al. are not a "chock" since these structures do not support the engine during transit. Rather, the elevatable frame 11 shown in FIG. 1 of Morley et al. more closely corresponds to the claimed chock. Elements 57, 58 of Morley et al. are not a "hinge," but instead are rollers 57 and 58 which rotatably support roll ring 15 on saddle 13. Col. 4, lines 45-50. Moreover, as shown in FIG. 1, nothing in Morley et al. indicates that rollers 57 and 58 are "configured to pivotably couple the" elevatable frame 11 to the chassis 10 such that the elevatable frame 11 "is free to rotate about an axis that is substantially perpendicular to the longitudinal axis of the rocket engine," as required by claim 8. Rather, in the Morley et al. reference, as noted at column 3, lines 17-30, the elevatable frame 11 is pivotally connected to the chassis by lifting members 21 and 22. Although the forward ends of members 21 and 22 are pivotally connected to the elevatable frame 11, nothing in Morley et al. discloses or suggests that the elevatable

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frame 11 is "free to rotate about an axis that is substantially perpendicular to the longitudinal axis of the rocket engine," as required by claim 8. As such, the Morley et al. reference does not teach or suggest at least the foregoing limitations of claim 8.

The Office has failed to explain where the Morley et al. reference teaches the missing claim limitations noted above. Rather, the Office impermissibly concludes that such limitations would be present. Applicants respectfully traverse this rejection, and to preserve Applicants' argument on appeal, Applicants request that the Examiner provide an affidavit that supports the rejection of claim 8 based on the official notice of the Examiner. Alternatively, in the event the Examiner seeks to maintain this ground of rejection, Applicants request that the Examiner provide documentary evidence that these features would indeed be well-known. *See* MPEP 2144.03, 37 C.F.R. § 1.104 (d)(2), and *In re Lee*, 277 F.3d 1338, 1344-45, 61 U.S.P.Q.2d 1430, 1435 (Fed. Cir. 2002) (finding that reliance on "common knowledge and common sense" did not fulfill the PTO's obligation to cite references to support its conclusions as PTO must document its reasonings on the record to allow accountability and effective appellate review).

For at least the foregoing reasons, Applicants respectfully submit that the cited references fail to teach or suggest every limitation of claim 8. Because the cited references fail to teach at least the above limitations of claim 8, Applicants respectfully submit that claim 8 is patentable over the cited references. In addition, Applicants respectfully submit that dependent claims 9-12 are separately patentable at least by virtue of their dependency from independent claim 8, and also because claims 9-12 each recite additional limitations which the cited reference fails to teach or suggest. Accordingly, for at least this reason, Applicants submit that claim 8 and its depending claims 9-12 are patentable over the cited references.

Applicants respectfully submit that the cited reference also fails to disclose, for example, "a hinge portion having a bearing assembly configured to pivotably couple the chock to the trolley such that the chock rotates about a pivot point on the trolley about an axis that is substantially perpendicular to the longitudinal axis of the rocket engine," as required by claim 13. For at least the reasons discussed above with respect to claim 8, Applicants further respectfully submit that the cited references fail to teach or suggest every limitation of claim 13. Because the cited references fail to teach at least the above limitations of claim 13, Applicants respectfully submit that claim 13 is patentable over the cited references. In addition, Applicants

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respectfully submit that dependent claim 14 is separately patentable at least by virtue of its dependency from independent claim 13, and also because claim 14 recites additional limitations which the cited reference fails to teach or suggest. Accordingly, for at least this reason, Applicants submit that claim 13 and its depending claim 14 is patentable over the cited references.

Applicants further respectfully submit that the cited reference also fails to disclose, for example, that "a hinge portion having a bearing assembly configured to pivotably couple the chock to the trolley such that the chock rotates about a pivot point on the trolley about an axis that is substantially perpendicular to the longitudinal axis of the object," as required by claim 17. For at least the reasons discussed above with respect to claim 8, Applicants further respectfully submit that the cited references fail to teach or suggest every limitation of claim 17. Because the cited references fail to teach at least the above limitations of claim 17, Applicants respectfully submit that claim 17 is patentable over the cited references.

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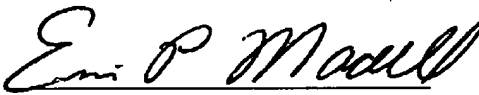
In conclusion, for the reasons given above, all claims now presently in the application are believed allowable and such allowance is respectfully requested. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the undersigned attorney at (480) 385-5060.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: August 10, 2005

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